

REMARKS/ARGUMENTS

Priority Claim

Regarding the first paragraph of the Office Action, Form PCT/IB/304, which was filed with this application, states that the priority document was received by the International Bureau in compliance with Rule 17.1(a) or (b).

In this regard, Rule 17.2(a) states:

"Where the applicant has complied with Rule 17.1(a), (b) or (b-bis) the International Bureau shall, at the specific request of the designated Office, promptly but not prior to the international publication of the international application, furnish a copy of the priority document to that Office. No such Office shall ask the applicant himself to furnish it with a copy."

Hence, the USPTO is prohibited from requesting that the applicant provide another copy of the priority application in this case. The Patent Office is requested to duly acknowledge receipt of the priority document in the next Office Action.

Specification

Pages 5 and 11 have been amended to clarify that "12" designates the coil-shaped hanger and "11" designates the leg portion.

Prior Art Rejection

Claims 1-12, 18-20 and 22 have been rejected over US '384 (Radley, Fraser et al.) in view of WO '462 (Bariou). Claims 13-14 and 21 were rejected over US '384 and WO '462 in view of US '340 (Thompson). Claims 15-17 were rejected over US '384 and WO '462 in view of US '388 (Graiver).

The Examiner is requested to correct his citation of the Bariou reference. The document of record in this case is WO 03/042462. This document corresponds to US publication no. US 2005/0014668, which is not of record in this case.

Regarding US Patent 3,504,384, it is noted for the sake of clarity that the first-named applicant is Radley, not Fraser. However, we will refer to the reference as "Fraser" as did the Examiner.

Claims 1 and 22 recite, in part:

the housing holding the fragrance block such that the fragrance block is positioned in an opening in a wall of the housing and allows one major surface of the fragrance block to be exposed to the exterior of the housing and an opposed major surface of fragrance block to be in fluid communication with the interior space of the housing to allow it to emit fragrance through the housing apertures.

The Examiner argues at page 3, lines 2-5, that in Fraser, a housing 1 “holds the fragrance block [5] such that an opposed major surface (bottom surface of 5 in Figure 1) of the second block (5) is in fluid communication with the interior space of the housing to allow it to emit material through the housing apertures (4).”

The Examiner’s arguments against the patentability of claims 1 and 22 are based on an incorrect interpretation of Fraser’s disclosure. In particular, the Examiner mistakenly states in lines 2 to 5 of page 3 that an opposed major surface of the second block 5 (shown in Fraser’s Figure 1) is in fluid communication with the interior space of the housing 1 to allow it to emit material through the housing apertures 4. This is not the case. Fraser’s block 5 (which in any case is not a fragrance block) is disposed in a shallow non-porous cap 6. It has no openings in its base to provide fluid communication with the interior space of housing 1. See lines 2 to 4 of column 5 in Fraser, which states that the “block or compact 5 of the disinfectant material fills a shallow non-porous cup 6 constituting compartment (B).” The cup 6 is shown as having a solid base and is described as being non-porous, hence an opposed major surface of the second block 5 is not in fluid communication with the interior space of the housing 1, but rather is sealed off from the interior space of the housing 1.

There is no suggestion in the prior art of a modification of Fraser to meet the language of claims 1 and 22. Nothing in any of the cited prior art documents would teach the skilled person to provide a fragrance block in an opening in a wall of the housing, wherein the interior major surface of the fragrance block is in fluid communication with the interior space of the housing to allow it to emit fragrance through the housing apertures, as specified by claims 1 and 22.

Furthermore, Fraser teaches away from the claimed feature. The separation (non-communication) between the blocks 2, 5 is a mandatory feature of Fraser’s invention, since the separation is provided to prevent mixing of often incompatible detergents and disinfectants, as

explicitly stated by Fraser in lines 48 to 51 of column 1. Hence the skilled person reading Fraser is specifically taught to prevent the mixing of compounds and would not adapt the cup 6 to provide openings in its base to allow fluid communication between the second block 5 and the interior space of the housing 1.

For at least these reasons, claims 1 and 22 and their dependent claims 2-21 are patentable over the cited art.

In addition, the applicants cannot agree that Fraser is properly combinable with Bariou as the Examiner has proposed. Fraser's block 5 is not a fragrance block but rather is a disinfectant block. The Examiner argued that it would have been obvious to replace Fraser's disinfectant block with a fragrance block such as Bariou's. Fraser's apparatus is placed in a cistern (tank) of a lavatory (see lines 52 to 55 of column 1 and elsewhere) so that the apparatus is submerged in the water of the cistern when the cistern is full, and is above the water level when the cistern empties. Cisterns of lavatories are normally covered by a lid. The cistern of lavatories are only in fluid communication with the toilet bowl when the toilet is flushed and when water passes from the cistern to the toilet bowl. That is, the cistern is only in infrequent liquid communication with the toilet bowl and is not in continuous gaseous communication with the toilet bowl. If the skilled person were to replace the disinfectant block 5 with a fragrance block then the fragrance block would only emit fragrance to the air within the cistern and not to the surrounding room, which is a stated feature of claims 1 and 22. Also, the cistern would no longer be disinfected. Hence the skilled person would not replace the disinfectant block 5 with a fragrance block because there would be no motivation or advantage to enabling the fragrance to be emitted to the interior of the cistern of the lavatory, and to lose the advantages of the disinfectant block.

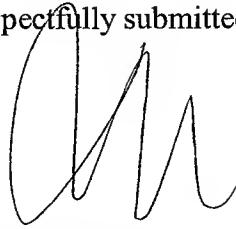
Furthermore, as already explained above, even if the references were combined, the combined apparatus would not have the fluid communication between any disinfectant or fragrance block and the interior of the housing, as explicitly required by claims 1 and 22.

For at least the foregoing reasons, reconsideration and allowance of claims 1-22 is requested.

THIS CORRESPONDENCE IS BEING
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Respectfully submitted,



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